

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

CRIMINAL No. 13-227

v

JUDGE: Joy Flowers Conti

NICHOLAS TROMBETTA

**MOTION TO TERMINATE SUPERVISED RELEASE
WITH CITATION OF AUTHORITY**

AND NOW comes, Nicholas Trombetta, by and through his attorney, Steven C. Townsend, Esquire, and files this Motion to Terminate Supervise Release and Citation of Authority, and in support thereof avers:

1. On or about August 21, 2013, Mr. Trombetta was indicted at the above case number with violations of 18 U.S.C. § 341, 18 U.S.C. § 666 (a)(1)(B), and 26 U.S.C. § 7206 (1). (Doc. 3)
2. On or about August 28, 2013, Mr. Trombetta entered a plea of Not Guilty to the Indictment. (Doc. 28)
3. On August 24, 2016, Mr. Trombetta changed his plea to Guilty at Count 6 of the Indictment. (Doc. 237)
4. On July 24, 2018, this Honorable Court sentenced Mr. Trombetta at Count 6 to 20 months of incarceration, 3 years supervised release, \$100 special assessment, 40 hours of community service to be completed within 17 months of his supervised release, and restitution, which was deferred to another hearing date. (Doc. 387)

5. On August 8, 2018, Mr. Trombetta satisfied the \$100 special assessment. (Doc. 393)
6. Mr. Trombetta was afforded the opportunity to self-report, which he did on September 4, 2018.
7. Mr. Trombetta served his sentence of incarceration in Morgantown, West Virginia - FCI Hazelton.
8. He participated in the following programs: tutoring, bible study, teaching and assisting other inmates seeking to obtain their GED, catholic services coordinator and computer literacy and job training.
9. On October 15, 2019, Mr. Trombetta was release home confinement.
10. As of November 16, 2021, Mr. Trombetta has paid restitution in full in the amount of \$387,632.00. (Exhibit A)
11. As of February 20, 2022, Mr. Trombetta has completed a total of 1072 combined community service hours at TRAILS Ministries and Reclaim. (Exhibits B & C)
12. Upon review of this Motion, the Unites State Probation Office takes no position to the requested relief contained herein.
13. Upon review of this Motion, the United States does not object to the requested relief contained herein.

CITATION OF AUTHORITY

Mr. Trombetta is eligible otherwise for early termination of his supervised release as he has completed more than a year of his supervised release sentence, and is an appropriate candidate for early termination because of his extraordinary progress, amount of community

service, other special circumstances discussed below and pursuant to 18 U.S.C. § 3583 (E)(1).

Specifically:

(e) The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7), terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

18 U.S.C. § 3583(e)(1)

The above provision requires the court to consider the following 18 U.S.C. § 3553 (a) sentencing factors:

(1) the nature and circumstances of the offense and the defendant's history and characteristics; (2) the need to afford adequate deterrence to criminal conduct, protect the public from further crimes of the defendant, and provide him with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; (3) the kinds of sentence and sentencing range established for the defendant's crimes; (4) pertinent policy statements issued by the United States Sentencing Commission; (5) the need to avoid unwarranted sentence disparities among defendants with similar records who have been

found guilty of similar conduct; and (6) the need to provide restitution to any victims of the offense.

Therefore, the statute directs the Court to consider, to the extent applicable, those factors under 18 U.S.C. § 3553(a) it considered when imposing sentence. After weighing these factors, this Court has broad discretion to discharge Mr. Trombetta from his remaining term of supervision.

Further, the Judicial Committee on Criminal Law has recognized early termination of supervised release as an important tool for ensuring the most effective use of precious human and financial resources. See Memorandum re: Cost-Containment Strategies Related to Probation and Pre-Trial Services Offices, Committee on Criminal Law of the Judicial Conference of the United States at 2 (Feb. 16, 2012) (“Terminating appropriate cases before they reach their full term saves resources and allows officers to focus on offenders who continue to pose the greatest risk of recidivism.”). *See also* Laura M. Baber and James L. Johnson, Early Termination of Supervision: No Compromise to Community Safety, 77-SEP Fed. Probation 17, 21–22 (2013) (reporting results of study indicating that early termination does not compromise community safety and noting “significant” cost savings).

The Third Circuit has recently addressed early termination of supervised release stating that “extraordinary circumstances may be sufficient to justify early termination of a term of supervised release, but they are not necessary for such termination. *See United States v. Murray*, 692 F.3d 273, 279 (3d Cir. 2012). Here, it is submitted that there are extraordinary circumstances to terminate Mr. Trombetta’s supervision.

Mr. Trombetta’s commitment to the community is over and above what this Court directed and is a true sign of Mr. Trombetta’s devotion and pledge to turn his life around after his

conviction. It is often said by a defendant at sentencing that he/she is never going to commit another crime and will do better if given another chance, but as this Court is aware those words often are illusory promises. Instantly, Mr. Trombetta made good on his words from his sentencing and has demonstrated his commitment with his actions.

Mr. Trombetta respectfully submits that his post-offense conduct and successful completion of 23 months of his 36 months supervised release warrant this Court's granting his request for early termination of his supervision sentence. Mr. Trombetta's adjustment to supervision has been excellent for 23 months without any violations. He has remained crime-free, violation-free, and is steadily employed with Certify-Ed¹. With the background and current nature of Mr. Trombetta's work, he certainly does not represent a danger to the public.

Specifically, Mr. Trombetta has returned to the workforce with Certify-Ed and as a consultant for Malady-Wooten. He has assisted in the growth of adult education and career technical courses by providing guidance, which required and still requires extensive travel in order to participate in meetings and strategic planning sessions.

Currently he has over 1,000 hours of community commitment with TRAILS Ministries. TRAILS Ministries is committed to assisting communities impacted by incarceration. While there, he has participated primarily in administration functions to streamline processes, improve procedures and assist in establishing workplace policies. Most important he created vocational educational courses to help prepare returning citizens learn job skills essential for the construction and healthcare industries.

¹ <https://certify-ed.com> is a virtual based certified online curriculum platform.

Worthy of note, Mr. Trombetta helped establish a new program that may have long term affects on local communities in Western Pennsylvania, which is already having a real impact in Beaver County. (Exhibit D)

RECLAIM is a program within TRAILS that effectively provides the following for individuals returning to society from sentences of incarceration: it provides hope, structure and support for individuals through a program that consists of job training, employment and sustainability. By working with national organizations and state and local entities, Mr. Trombetta was able to assist in acquiring funding and in-kind support from other not-for-profit and for-profit agencies. Mr. Trombetta's early success will lead to longer term benefits to the participants and to the communities affected by blight. (Exhibit E)

Therefore, for the above reasons it is respectfully submitted that there is no further need for continued supervision. Given his progress, compliance with the terms of supervision, terminating Mr. Trombetta's term of supervision would serve the interests of justice by allowing the Probation Office to invest its resources in the supervision of those who truly need it.

WHEREFORE, Mr. Trombetta respectfully requests that this Honorable Court enter an Order terminating his supervise release.

Respectfully submitted,

s/ Steven C. Townsend, Esq.
Steven C. Townsend, Esquire
PA. I.D. No. 89263
Manor Building Penthouse
564 Forbes Avenue
Pittsburgh, PA 15219

(412) 281-5336
(412) 281-3537 Fax
stownsend@pghlaw.com

Attorney for Defendant,
Nicholas Trombetta